

TROY LAW, PLLC


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August 25, 2021

Via ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 8/26/2021

Re: Request for Extension of Time to Move for Class Certification

Wang v. Shun Lee Palace Restaurant, Inc., No. 17-cv-00840 (VSB), (S.D.N.Y.)

Your Honor,

We represent Plaintiffs Guoyi Wang, Tong Wei Wu, Zhi Qiang Lu, Haiping Wu, Guoliang Xu, Steven Chung, Quek Yeow Yap, Shude Zhang, Keeyew Foo, Tsunming Fong, Mingsung Chan, Leungtaek Choi, Fong Yue, Billy Qin, Monaliza Wong, and Weijun Zhen in the above-referenced matter. We write respectfully to request that these Plaintiffs' time to move for class certification be extended from August 26, 2021 to November 17, 2021.

On March 1, 2021, Your Honor refused to deny those Plaintiffs represented by Troy Law leave to move for class certification. *See* Dkt. No. 211. Your Honor reasoned that "There is nothing inherently impermissible about the Troy Plaintiffs filing a motion for class certification after the completion of depositions in this case." *Id.* (citing *Hernandez v. Bare Burger Dio Inc.*, No. 12-cv-07794 (RWS), 2013 WL 3199292, at *2 (S.D.N.Y. June 25, 2015)). Your Honor also set a deadline of August 26, 2021 to move for class certification—30 days after the then-obtaining deadline to complete fact discovery and depositions. *See id.*; *see also* Dkt. No. 212.

Then, on July 19, 2021, Your Honor entered an amended scheduling order providing, *inter alia*, for completion of fact discovery and depositions by October 18, 2021, and of all discovery by December 3, 2021. *See* Dkt. No. 236. The amended scheduling order did not provide for adjustment of the class motion deadline. However, under the logic of Your Honor's Order of March 1, 2021, the Troy Plaintiffs should be able to move for class certification a reasonable time after the completion of depositions. Additionally, because of Defendants' pending motion for partial dismissal of the Second Amended Complaint, discovery has been stayed with respect to several plaintiffs and depositions have been taken neither of nor about them.

For the foregoing reasons, we respectfully requests that the Court extend the Troy Plaintiffs' deadline to move for class certification from August 26, 2021 to November 17, 2021—30 days after the present deadline to complete depositions and fact discovery.

We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
TROY LAW, PLLC

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/s/ Aaron B. Schweitzer

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all counsel of record

/asb